

*Kenton C. Ward, CFM*  
*Surveyor of Hamilton County*  
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*One Hamilton County Square*  
*Noblesville, Indiana 46060-2230*

February 1, 2013

To: Hamilton County Drainage Board

Re: Anna Kendall Drain, J.M. Thompson Arm, U.S. 31 Reconstruction

Attached are petition, plans, and other information for the proposed reconstruction of the J.M. Thompson Arm of the Anna Kendall Drain, for the U.S. 31 Road Project. The reconstruction was petitioned by the Indiana Department of Transportation. During the road reconstruction, the Anna Kendall Drain, J.M. Thompson Arm will be affected and those changes are as follows:

**J.M. Thompson Arm**

The project will reconstruct a portion of Anna Kendall Drain, J.M. Thompson Arm. The reconstruction will start at existing structure 18, per the construction plans for J.M. Thompson Legal Drain, by Douglas E. Miller Consulting Engineer, and dated January 10, 1990. The existing structure will be adjusted to grade for the U.S. 31 project and 40 feet of 30" RCP will be replaced with 40 feet of 36" RCP, upstream to new Str. 8017. From Str. 8017, 8 feet of 30" RCP will be replaced with new 30" RCP to allow the installation of the new Structure. This is as shown on sheets 29 and 70 of the U.S. 31 construction plans having project number 1296427, contract number IR-34750, and dated August 10, 2012. The total length of new drain shall be 48 feet.

This proposed reconstruction will result in no change to the total length of the J.M. Thompson Arm.

The cost of the reconstruction is to be paid by the Indiana Department of Transportation.

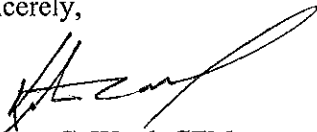
Since the petitioner is the Indiana Department of Transportation and is being performed under public bid process, no bond is required for the relocation/reconstruction work.

The easement for this drain shall remain the existing statutory 75' from the centerline of the tile or the top of bank of the open ditch, as per IC 36-9-27-33. This reconstruction of the regulated drain will not change or relocate the easement. Work will be completed in the easement of the following parcels:

<u>Parcel</u>	<u>Owner</u>
08-05-25-00-00-046.000 U.S. 31 ROW	Alex Birtsas Indiana Department of Transportation

I recommend the Board set a hearing for this proposed drain reconstruction for April 22, 2013.

Sincerely,



Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll



FILED

Revised June 1997

AUG 13 2012

HAMILTON COUNTY DRAINAGE BOARD  
NOBLESVILLE, INDIANA

IN RE: US 31 Reconstruction )  
Hamilton County, Indiana )

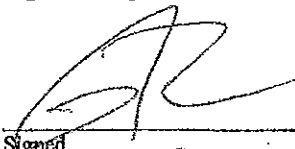
OFFICE OF HAMILTON COUNTY SURVEYOR

PETITION FOR RELOCATION AND RECONSTRUCTION

Indiana Department of Transportation (hereinafter "Petitioner"),  
hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a  
section of the Anna Kendall-Arm JM Thompson Drain, and in support of  
said petition advises the Board that:

1. Petitioner owns real estate through which a portion of the Anna Kendall-Arm JM Thomps  
Drain runs.
2. Petitioner plans to develop its real estate with roads, buildings, utilities, storm drains,  
sanitary sewers and other structures.
3. Petitioner's proposed development of its real estate will require relocation and  
reconstruction of a portion of the Anna Kendall-Arm JM Thompson Drain, as  
specifically shown on engineering plans and specifications filed with the Hamilton  
County Surveyor.
4. The work necessary for the proposed relocation and reconstruction will be undertaken at  
the sole expense of the Petitioner and such work will result in substantial improvement to  
the Anna Kendall-Arm JM Thompson Drain, without cost to other property owners  
on the watershed of the Anna Kendall-Arm JM Thompson Drain.
5. Proposed relocation and reconstruction will not adversely affect other land owners within  
the drainage shed.
6. Petitioner requests approval of the proposed relocation and reconstruction under  
IC 36-9-27-52.5.

WHEREFORE, Petitioner requests that an Order issued from the Hamilton County  
Drainage Board authorizing relocation and reconstruction of the Anna Kendall-Arm JM Thompson  
Drain, in conformance with applicable law and plans and specifications on file with the Hamilton  
County Surveyor.

  
Signed 8-8-12  
GARY PENCE INDOT Prog Mgmt  
Printed

Adobe PDF Filable Form

STATE OF INDIANA        )  
                              ) ss:  
COUNTY OF HAMILTON    )

BEFORE THE HAMILTON COUNTY  
DRAINAGE BOARD  
NOBLESVILLE, INDIANA

IN THE MATTER OF THE  
RECONSTRUCTION OF THE  
**Anna Kendall Drain, J. M. Thompson Arm, U.S. 31 Reconstruction**

**FINDINGS AND ORDER FOR RECONSTRUCTION**

The matter of the proposed Reconstruction of the **Anna Kendall Drain, J. M. Thompson Arm, U.S. 31 Reconstruction** came before the Hamilton County Drainage Board for hearing **on April 22, 2013**, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

Evidence was heard on the Reconstruction Report and on the aforementioned objections.

The Board, having considered the evidence and objections, and, upon motion duly made, seconded and unanimously carried, did find and determine that the costs, damages and expenses of the proposed Reconstruction will be less than the benefits accruing to the owners of all land benefited by the Reconstruction.

The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included or omitted from the Schedule of Assessments.

The Board further finds that it has jurisdiction of these proceedings and that all required notices have been duly given or published as required by law.

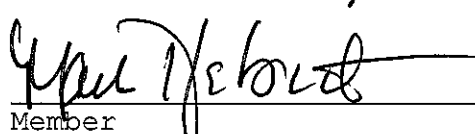
Wherefore, it is ORDERED, that the proposed Reconstruction of the **Anna Kendall Drain, J. M. Thompson Arm, U.S. 31 Reconstruction** be and is hereby declared established.


Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD

  
\_\_\_\_\_  
PRESIDENT

  
\_\_\_\_\_  
Member

  
\_\_\_\_\_  
Member

ATTEST:   
Executive Secretary

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF

**Anna Kendall Drain, J. M. Thompson Arm  
U.S. 31 Reconstruction**

NOTICE

To Whom It May Concern and: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Notice is hereby given of the hearing of the Hamilton County Drainage Board concerning the reconstruction of the **Anna Kendall Drain, J. M. Thompson Arm, U.S. 31 Reconstruction** on **April 22, 2013** at **9:20 A.M.** in Commissioners Court, Hamilton County Judicial Center, One Hamilton County Square, Noblesville, Indiana. Construction and maintenance reports of the Surveyor and the Schedule of Assessments proposed by the Drainage Board have been filed and are available for public inspection in the office of the Hamilton County Surveyor.

Hamilton County Drainage Board

Attest: Lynette Mosbaugh

ONE TIME ONLY

STATE OF INDIANA     )  
                          ) SS                   BEFORE THE HAMILTON  
                          )  
COUNTY OF HAMILTON )                   DRAINAGE BOARD

IN THE MATTER OF **Anna Kendall Drain, J. M. Thompson Arm,**  
**U.S. 31 Reconstruction**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **April 22, 2013** adopted the reconstruction report of the Surveyor and the Amended Schedule of damages and assessments including annual assessment for periodic maintenance, finding that the costs, damages and expense of the proposed improvement would be less than the benefits which will result to the owner of lands benefited thereby.

The Board issued an order declaring the proposed improvement established. Such findings and order were marked filed and are available for inspection in the Office of the Hamilton County Surveyor.

If judicial review of the findings and order of the Board is not requested pursuant to Article VIII of the 1965 Indiana Drainage Code as amended within twenty (20) days from the date of publication of this notice, the findings and order shall become conclusive.

HAMILTON COUNTY DRAINAGE BOARD

BY: Christine Altman  
PRESIDENT

ATTEST: Lynette Mosbaugh  
SECRETARY